

CITY OF COLTON
CITY COUNCIL/SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY
FOR THE CITY OF COLTON/COLTON UTILITY AUTHORITY/
COLTON PUBLIC FINANCING AUTHORITY AND
COLTON HOUSING AUTHORITY
CLOSED SESSION MINUTES

March 15, 2016

Closed Session Meeting was held on the above given date at 5:06 p.m., in the Council Chambers of City Hall, with Mayor DeLaRosa presiding.

CITY COUNCIL ROLL CALL

Councilmembers present were, Toro, Jorrin, Navarro, González, Bennett, MPT Suchil (*absent*), and Mayor DeLaRosa.

STAFF PRESENT

City Manager Smith, City Attorney Campos, and City Clerk Padilla.

PUBLIC COMMENT

None.

CLOSED SESSION

City Attorney Campos announced that the City Council would meet in Closed Session to Discuss Items A through C.

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1)

Largo Concrete, Inc., v. City of Colton, et al.

San Bernardino Superior Court, Case No. CIVDS 1400406

B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code section 54957(b)

Title: City Manager

C. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code section 54957(b)

Title: Executive Administrator to the Mayor and City Council

Mayor DeLaRosa adjourned the meeting to Closed Session at 5:07 p.m. and at 6:00 p.m., the meeting reconvened, with all members present as heretofore; Mayor DeLaRosa absent and MPT Suchil presiding.

City Attorney Campos announced that the City Council met in Closed Session and discussed Items A through C; with direction given to staff and no reportable action.

CITY COUNCIL/SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY FOR THE CITY OF
COLTON/COLTON UTILITY AUTHORITY/
COLTON PUBLIC FINANCING AUTHORITY AND
COLTON HOUSING AUTHORITY
REGULAR MEETING MINUTES

March 15, 2016

Regular Meeting held on the above-given date at 6:01 p.m. in the Council Chambers of City Hall, with Mayor Pro Tem Suchil presiding.

INVOCATION/FLAG SALUTE

City Clerk Carolina R. Padilla

CITY COUNCIL ROLL CALL

Council Members Present

Isaac T. Suchil, Mayor Pro Tem
David J. Toro
Summer Jorin
Frank J. Navarro
Dr. Luis S. González
Deirdre H. Bennett

Staff Present

William R. Smith, City Manager
Carlos Campos, City Attorney
Carolina R. Padilla, City Clerk

Council Members Absent

Richard DeLaRosa, Mayor

CEREMONIAL MATTERS *Presentations, Awards, Proclamations*

- Presentation - Business Focus - Leno's Rico Taco

CM Jorin presented with assistance of staff (*Art Morgan, Economic Development Manager and Chetay Catalano Executive Director, City of Colton Chamber of Commerce*) You Make a Difference Recognition Certificate to Owner Leno Moreno of Leno's Rico Taco.

MAYOR AND COUNCIL ITEMS

POSSIBLE CONFLICT OF INTEREST DISCLOSURES FOR THE COUNCIL MEETING OF MARCH 15, 2016.

GIFT DISCLOSURES

Mayor Pro Tem Suchil asked the members present if there were any agenda items that were a conflict of interest pursuant to CMC Section 2.04.030. None disclosed.

AB 1234 ORAL REPORTS

Mayor Tem Suchil asked the members present if there were any brief reports on meetings attended at the expense of the City. (*GC Section 53232.3(d)*). None disclosed.

MAYOR AND COUNCIL DISCUSSION ITEMS

- Budget Oversight Committee

City Manager Smith introduced this item for Council discussion: At the February 27, 2016 Budget Workshop as part of your (Council) actions that evening the City Council decided that it wanted to constitute a Budget Oversight Committee to basically have input to the budget process as well as potential other things such as your Ballot Measure that is coming up and things of that nature; the item is on the Agenda tonight to constitute that committee and do so however you (Council) like; we (staff) have a recommendation if you like, but Council is welcome to constitute that committee however it wishes; once you do, staff will get involved in engaging that committee and making it part of our upcoming process.

Staff Recommendation: Council may want to consider members of your existing (Council) Commission appointment; appoint from within said Commission; this would expedite and engage Commissioner's in the current budget process.

MPT Suchil invited Councilmembers present to state their ideas/comments in order to direct staff how to proceed:

- Staff encouraged to go through the current Commissions and clean out the Commissions no longer active;
- Set up should be similar to how Commissions are set up, appointment by District;
- Open (recruitment) as a Commission style Committee;
- Consensus: Each appointment will be made by a District Councilmember and term would run concurrent to said Councilmember;
- Suggested makeup: Appointment by District Councilmember in addition to a Planning Commissioner and a Utilities Commissioner this will equal a total member of Nine;
- Encouraged member of the Committee should be part of the Business Community and School District;
- Appointment by Councilmember by District would constitute Brown Act compliance;
- Staff will recommend how often Committee will meet and a set time to meet;

City Manager Smith will bring back this item for consideration on the Agenda of April 5, 2016 Council Meeting; and strongly encouraged (Council) to be ready to appoint on that date in order to allow the committee members to have any meaningful input in the budget process which is now in progress.

PUBLIC COMMENT

The following community members addressed the Council: Luis Hidalgo; Margarita Gavilanes; Axel & Analy Conde; Christine Irish-Ré; Ashley Jones; and Representative Ashley Jones (*Assemblyperson Cheryl Brown/San Bernardino District Office*).

CONSENT CALENDAR

Mayor Pro Tem Suchil presents the Consent Calendar Items 1 through 12.

Councilmembers present selected items for discussion and clarification by staff: MPT Suchil, Item 4.

Motion and Second by CM Navarro/CM González to approve the Consent Calendar Items 1 through 12.

Vote: Motion carried Mayor DeLaRosa absent.

- (1) Minutes – Approval of Minutes for the City Council Regular Meeting held March 1, 2016, on File in the Office of the City Clerk.
- (2) Warrants – Approve voucher numbers 154435 to 154550 dated 02/25/2016 and totaling \$951,944.04; voucher numbers 154551 to 154719 dated 03/03/2016 and totaling \$2,932,468.08, less voided checks

totaling \$2,449.44; and a payroll disbursement listing for the period 02/13/2016 to 02/26/2016 and totaling \$726,151.26., on file in the Finance Department.

- (3) Personnel - Recruitment for anticipated vacancies in the Electric Department – Authorize the recruitments for Line Crew Supervisor, Service Crew Supervisor, and Powerline Technician for the purpose of establishing lists to fill anticipated vacancies due to employee retirements.
- (4) Personnel – Recruitment of HR Manager – Authorize the recruitment for the Human Resources Manager position and authorize filling the position upon the retirement of the incumbent.
- (5) Authorize Release of SCPPA Project Stabilization Funds – Authorize the release of SCPPA Project Stabilization Funds in the amount of \$150,438 to cover the City’s share for the purchase and renovation of the SCPPA office/training facility in accordance with SCPPA Resolution 2016-003.
- (6) Change Order No. 1 for the rehabilitation and pump testing of Well 22 Project – Approve Change Order No.1 for the rehabilitation and Pump Testing of Well 22 Project in the amount of \$156,230.70.
- (7) Amendment to the Extra-Territorial Water and Sewer Service Agreement between the City of Colton and AMCAL Las Terrazas Fund, LP – Approve the Extra-Territorial Water and Sewer Service Agreement between the City of Colton and AMCAL Las Terrazas Fund, LP for the parcel located at the northwest corner of Valley Blvd and Cypress Avenue (APN 0274-182-43) and authorize the recordation of same.
- (8) Rodeway Inn Participation in City of Colton Rebate Program – Authorize the payment of up to \$2,500 in rebate funds to the Rodeway Inn & Suites for their participation in City rebate programs.
- (9) First Amendment to Professional Services Agreement with The Altum Group – Authorize the City Manager to execute the First Amendment to the Professional Services Agreement (PSA) with the Altum Group to provide environmental and entitlement services on behalf of the California University of Science and Medicine, as per terms of the PSA.
- (10) First Amendment to Professional Services Agreement with Placeworks, Inc. – Authorize the City Manager to execute the First Amendment to the Professional Services Agreement (PSA) with Placeworks, Inc. to provide environmental services on behalf of Will-Hunt 1, LLC – Southwest Regional Operations Facility (DAP-001-230) as per terms of the First Amendment.
- (11) Grant Deed – Authorize and approve recordation of grant deed for streets purposes located at the northeast corner of Mount Vernon Avenue and Fairway Drive, in the City of Colton.
- (12) Colton Housing Authority – Approve and adopt Resolution No. CHA-02-16, approving an Affordable Housing Agreement and related documents for the sale/purchase of the remaining 25 lots located at Rancho Mediterrania Mobile Home Estates, and direct and authorize the Executive Director to execute all documents related to the sale and affordable housing regulations with RMII, LLC, RESOLUTION NO. CHA-02-16.

PUBLIC HEARING

- (13) Resolution of Necessity Regarding San Bernardino County Assessor’s Parcel Number 0161-221-21 Owned by UPRR

TIME AND PLACED FIXED TO CONSIDER A PUBLIC HEARING TO APPROVE AND ADOPT A RESOLUTION OF NECESSITY FOR THE ACQUISITION OF A ROAD RIGHT-OF-WAY EASEMENT AND UTILITY EASEMENT IN A PORTION OF CERTAIN REAL PROPERTY, BY EMINENT DOMAIN, MORE PARTICULARLY DESCRIBED AS ASSESSOR PARCEL NO. 0161-222-21, LOCATED IN COLTON, CALIFORNIA, FOR THE CITY OF COLTON'S INSTALLATION OF PUBLIC ACCESS IMPROVEMENTS, IN SAN BERNARDINO COUNTY, CALIFORNIA.

Mayor Pro Tem Suchil declared the Public Hearing Open.

City Clerk Padilla submitted the Proof of Mailing of Notice of Hearing (*on file in the City Clerk's Office*) and there were no reports of protests or objections thereto.

Staff Presentation

City Attorney Campos introduce Attorney Mark Easter who gave a brief overview which included the need of a 2/3 vote; at least five 'ayes.

Art Morgan, Economic Development Manager, outlined the items for consideration by Council:

- (a) Conduct a hearing to consider the adoption of a resolution of necessity;
- (b) The following four findings are required:
 - Finding 1. The Public Interest and Necessity Require the Project
 - Finding 2. The Project is Planned or Located in a Manner Most Compatible with Greatest Public Good and Least Private Injury
 - Finding 3. The Real Property to be Acquired is Necessary for the Project
 - Finding 4. The Offer of Just Compensation Has Been Made
- (c) Approve and Adopt a Resolution of Necessity; and
- (d) Approve and Adopt a Resolution amending budget for revenues and expenditures with Resolution of Necessity.

Public Comment

None.

Motion and Second by CM Bennett/CM Navarro to Close the Public Hearing.

Vote: Motion carried with Mayor DeLaRosa absent.

Council Discussion

Discussion and clarification provided by staff; Motion and Second by CM Navarro/CM González to Approve and Adopt Resolution No. R-22-16 a Resolution of Necessity for the purpose of acquiring a Road Right-of-Way easement and Utility Easement; and Approve and Adopt Resolution No. R-23-16 amending the Fiscal Year 2015-16 for revenues and expenditures associated with the Resolution of Necessity.

Vote: Motion carried with Mayor DeLaRosa absent.

(14) Weed Abatement Program

TIME AND PLACED FIXED TO CONSIDER A PUBLIC HEARING TO DISCUSS THE CITY'S WEED ABATEMENT PROGRAM.

City Manager Smith requested item be continued to the Council Meeting of April 5, 2016; no objection by Council.

(15) Zoning Text Amendment

TIME AND PLACE FIXED TO CONSIDER A PUBLIC HEARING TO WAIVE FURTHER READING, READ BY TITLE ONLY AND INTRODUCE ORDINANCE NO. O-05-16, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLTON AMENDING SECTION 18.12.060 (BUILDING PROJECTIONS – R-1 ZONE), SECTION 18.12.170 (PARKING REQUIREMENTS – R-1 ZONE), AND SECTIONS 18.58.040G AND 18.58.060F (PUBLIC NOTICE REQUIREMENTS) OF TITLE 18 OF THE COLTON MUNICIPAL CODE (FILE INDEX NO. DAP-001-287).

Mayor Pro Tem Suchil declared the Public Hearing Open.

City Clerk Padilla submitted the Affidavit of Publication calling the Public Hearing *(on file in the City Clerk's Office)* and there were no reports of protests or objections thereto.

Staff Presentation

Mark Tomich, Development Services Director, presented for Council discussion and requested approval of staff's recommendation; Director Tomich included an explanation of the Agenda Report and a PowerPoint presentation: 'Zoning Text Amendment' – Unpermitted Carports/Existing Conditions – Single Family Neighborhoods.

Public Comment

None.

Motion and Second by CM Navarro/CM Jorin to Close the Public Hearing.

Vote: Motion carried with Mayor DeLaRosa absent.

Council Discussion

Discussion with clarification provided by Director Tomich; Motion and Second by CM Navarro/CM Jorin to Waive Full Reading, Read by Final Title Only, and Introduce Ordinance No. O-05-06 with the deletion of all sections and/or references in the Ordinance as they pertain to Carports/Onsite Parking language; with the caveat to return with a Zoning Text Amendment (Ordinance) related to Carports/Onsite Parking.

Vote: Motion carried with Mayor DeLaRosa absent.

(16) Update Community Services Fee Schedule

TIME AND PLACE FIXED TO CONSIDER A PUBLIC HEARING TO APPROVE THE UPDATED COMMUNITY SERVICES DEPARTMENT FEE SCHEDULE.

Mayor Pro Tem Suchil declared the Public Hearing Open.

City Clerk Padilla submitted the Affidavit of Publication calling the Public Hearing *(on file in the City Clerk's Office)* and there were no reports of protests or objections thereto.

Staff Presentation

Deb Farrar, Community Services Director *(Acting)*, presented for Council discussion and requested approval of staff's recommendation; Director Farrar included an explanation of the Agenda Report and a PowerPoint presentation: 'Update to Fee Schedule'.

Public Comment

None.

Motion and Second by CM Navarro/CM Jorrin to Close the Public Hearing.

Vote: Motion carried with Mayor DeLaRosa absent.

Council Discussion

Discussion with clarification provided by Director Farrar; Motion and Second by CM González/CM Bennett to approve staff's recommendation.

Vote: Motion carried with Mayor DeLaRosa absent.

BUSINESS ITEMS

- (17) Organic Waste Recycling Program – Waive Full Reading, Ready by Title and Introduce Ordinance No. O-06-16, amending Municipal Code Chapter 6.16 by adding section 6.16.300, adopting a commercial organic waste recycling program pursuant to AB 1826, ORDINANCE NO. O-06-16.

Staff Presentation

Jennifer Shimmin, Senior Water Conservation Specialist, presented for Council discussion and requested approval of staff's recommendation; Specialist Shimmin, included an explanation of the Agenda Report and a PowerPoint presentation: 'AB 1826 Food Waste Diversion Plan'.

Motion and Second by CM Bennett/CM Jorrin to Waive Full Reading, Read by Final Title Only, and Introduce Ordinance No. O-06-16.

Vote: Motion carried with Mayor DeLaRosa absent.

- (18) Water Conservation Project Updates. (*Informational Only*)

Jennifer Shimmin, Senior Water Conservation Specialist presented to Council an update on the water conservation updates/projects currently in the City of Colton; with the assistance of a PowerPoint presentation the information incorporated: Drought Update; Conservation Standard; Enforcement; Rebate Programs; MWELO/Plan Checks; and Landscape Projects. This item is informational only and no action required of Council.

MAYOR AND COUNCIL ORAL REPORTS AND COMMENTS

Council Members made comments on various issues and activities throughout the community.

CITY MANAGER'S REPORTS

City Manager Smith reminded Council the Goals & Objectives Meeting is on Monday, March 21, 2016.

ADJOURNMENT

At 8:18 p.m., Mayor Pro Tem Suchil adjourned the Regular Council Meeting in memoriam of Apolinar 'Poli' Espinola.



Carolina R. Padilla
City Clerk